

# THE TRIALS OF Several Notorious MALEFACTORS: TOGETHER

With the other most Remarkable PROCEEDINGS  
AT THE

## Quarter-Sessions OF GALE-DELIVERY, Holden at the Sessions-House in the Old-Bailey, for the City of LONDON and County of MIDDLESEX;

Which began on **MUNDAY, October 17. 1681.** and ended  
on **Wednesday the Nineteenth of the same instant.**

**O**ctober 17. This day the Sessions began at the Sessions-house in the  
Old-bailey, holden there for the City of London, County of Middle-  
sex, and Gaol-Delivery of Newgate, where the most remarkable  
proceedings were these:

After the Court had sat about an hour, there being the two Lord Chief Jus-  
tices, my Lord Chief Baron, and seven other Judges present, the Right Honour-  
able the Earl of Shaftesbury, William Lamb, Esq. Baron of Epsom, Mr. John  
Mordaunt, Mr. Edward Whinaker, Mrs. John Rouse, Prisoners in the Tower of Lon-  
don, upon Commitments of High Treason, and of several other Prisoners in  
the Gaol, upon the like Commitments, were tendered to the Court, and by  
the order of my Lord Chief Justice Pemberton publicly read, and all of them  
tending to one and the same purpose, shewing that the aforesaid Petitioners, hav-  
ing been committed for the heinous Crime of High Treason against his Ma-  
jesty, as by the Warrants of their Commitments appears, and have been continued  
in Prison without any manner of prosecution; notwithstanding some of them  
having twice petitioned this Honourable Court to be brought thither by Habeas  
Corpus, to be tried as Bailed, but since they again humbly besought their Lord-  
ships, that according to the Terms of the Act, made and provided for the re-  
lieving the Liberty of the Subject, they might then be brought by Habeas  
Corpus to receive the benefit of the said Act according to the intent and mean-  
ing thereof, and to the Principles of the Prisoners in the Tower, my Lord Chief  
Justice was pleased to return for answer, That it had been shewn by the Petitioners  
of all the Judges, That the Court was a Prisoner within the Jurisdiction of the  
Court,

Court, and therefore, as he had formerly told them, so he did again declare, That it was not in their power to relieve them, but that they must the first week in the Term apply themselves to the Court of Kings-Bench; and if no prosecution was made, they might there receive the benefit of the Act for securing the Liberty of the Subject. As for the latter, viz. Mr. Wilson, his Lordship said, They sat only by a Commission of Goale-delivery; and he not being in the Goale of Newgate, the Court had not to do with him.

Then the Grand-Jury for the City of London appearing, Mr. Jones and Mr. North, Counsellors for the King, made objections against the returning of the Panel: first, for that one and the same men were returned upon a Precept of Oyer and Terminer and Goale-delivery; but the Opinion of the Court being, that such Returns were usual, they prayed that they might be called over before they were Sworn, for as much as they had been informed, that some of them had been Returned at the nomination of persons that were not the Sheriff's sworn Ministers, which was contrary to the Statute of 3 Hen. 8. And farther, that they had been informed, they were not observers of the Kings Laws, in as much as they frequented Conventicles, and resorted not to their respective Parish Churches, and therefore prayed the Panel might be reformed. To which Objection Mr. Sheriff Pilkinton answered, That he knew them to be all worthy Gentlemen, and men of unsported Reputations; and that he had returned them at the nomination of no person, but upon his own certain knowledge of their being substantial Citizens. Then at the request of Mr. Solicitor General, they being demanded whether they resorted to Church, my Lord Mayor was pleased to answer, That he was well satisfied in several of them that they were good Churchmen; so that there was only two amongst them that seemed to scruple to give a positive answer to that demand, viz. Mr. Griff and Mr. Loggan; whereupon (after a long debate, and the reading of the Statute of 3 Hen. 8.) twice or thrice over, the Sheriffs gave their consents to the raising out their Names, and inserting two others.

John Pack was Tried for stealing a Gelding, valued at five pound, from William Pack his Master, living near Rochester in the County of Kent; but for as much as the Horse being brought up to London, and found in Newgate, where he had disposed of him, the Felony was laid in London: the being asked what he could say for himself, only alledged, that his Master lent him the Horse: but having Robbed him of several things of value at the same time, the Jury found him guilty of the Felony.

John Fulham was likewise Tried for the Murdering of Sarah Richardson, on the twenty seventh of September last, the manner thus: he coming up Sea-coal-hill, in the Parish of St. Sepulchres, with a Dray, in which he had two Horses, who upon a sudden falling down the middle way, ran the Dray up against the wall, where the party deceased, who was a Girl of about four or five years of age, thinking to secure himself behind a great stone that stood near a Masons door, the wheel drove it down upon her and crushed her to death; but the Witnesses speaking very favourably for the Prisoner, who he used his utmost endeavours to save the Child, and that he expressed abundance of sorrow upon the sight of that unhappy accident; he was acquitted of the Felony; but the Court thought fit to bind him to his good Behaviour, as likewise the Master of the Dray, to appear at the Sessions of Peace to be holden at Guildhall next Friday, and ordered the Mother of the deceased to prosecute the Murder, for that he being indicted, had thought to withdraw himself six months before his trial.

Francis Farwell, a Dutchman, was Tried for carrying a Horse in the Parish of St. Mary Wothnot, breaking open a Chest, and taking from thence several Pieces of Linens; but the woman of the house coming in before he could convey himself away, he was apprehended. Upon his Trial he alledged he could not speak English; whereupon an Interpreter was ordered him; and a Jury of half Foreigners and half English were Impannelled; who after a full hearing of the Evidence against him, brought him in guilty of the Felony.



John King and John West were Tryed for feloniously murdering of Robert Kite, a young man of the Queens Guard, near the Maypole in the Strand the murder of the Fact, as it was sworn to by the Evidence, was at Guildwell. The deceased and the Prisoners meeting in a Coffee-house, happened into discourse about divers affairs; whereupon a contest arising between them, they fell to quarrelling, but by the persuasions of some persons present, these Quads were seemingly laid aside, and they departed as good friends, but by and by they again falling at variance, the Prisoners drew their Swords, upon pretence that the deceased justified them, and strake the latter with his Cut-throat, which he perceiving, drew likewise, upon which they pursued him into a Shop, (where he endeavoured to save himself) and there after several Passes run him in under the Right Pap four Inches, as likewise into the Back, by which wounds he instantly dyed. The Chirurgion then washed the wounds, dressing upon Ointments the Wounds were given by two several Swords: and they after the Murder committed betaking themselves to flight, the Jury found them both guilty of Capital Murder.

John Ruff being removed by *Hidden Copies* from the Tower of London, to the County-Gaole of Newgate, a Bill of Indictment for High-Treason was preferred against him, the substance of which was, *That he on the Eighteenth of March last, and on sundry other times, had spoke divers Treasonable Words, tending to the destruction of his Majesty, and the Subversion of the Government.* The Evidence that swore to the Bill, were Bryan Haynes, John Wray, Edward Kestrelle, Edward Lee, John Mackinnon, Richard Dims, Thomas Calkins, Elizabeth Haynes, and John Smith: many of which Deposed, That Ruff would say, *That although the Session of Parliament at that time to be holden at Oxford would be but short, yet the several Privileges and Dissolutions would suit nothing, and that they the people of England had yet another way to effect their design: which was by forcing him to compel his Majesty to lend them to their request, with many other Treasonable Words, which we think not fit here to insert.* After all the Witnesses had been particularly sworn in Court, the Grand Jury withdrew: but the Court not allowing them to examine the Witnesses in private, they returned; and after a long debate of the Privileges and usual Customs of Grand-Juries, they consented to wear the Whistles over again in open Court, and to ask them such Questions, as they should think convenient. Whereupon the Witnesses were called on by the Court, and after a long and tedious Examination, the Jurors withdrew to debate the Evidence, and having held a private consultation for the space of three hours, they came into Court, and answering every man to his name, returned the Bill *NOT GUILTY* upon which being demanded whether they did not believe the Witnesses, or that they thought the words reported in the Indictment, and others that had been sworn to, were Treasonable, the Court said, *That if they thought the latter they would resolve their doubts; but their answer was, That they were satisfied in their CONSCIENCE* so *of what they had said, and further added, That they could not believe what the Witnesses had said.*

Thomas Bely was Tryed upon an Indictment of High-Treason, for Clipping and Filing the current Coyne of this Kingdom, viz. Forty Elizabeth shillings, Forty of King James's shillings, and Forty of King Charles the First's half-Crowns. The Evidence against him swore, That when they apprehended him, they found Clipping-mens and other Instruments about him, and that he had at several times put Monies to Goldsmiths in Lombard-street, the which he called in at short warnings, receiving broad Money for his Clipped, having put out in other mens names about six hundred pounds, but for which he allowed them two shillings in the pound; but he pleading that the Clipping Instruments were delivered to him by one Hys, and that he was only trusted with the Money, the which for fear of an Attachment, he was obliged to put out in strange names, he was brought in Not guilty.

*Elizabeth Wicker*, was Tryed for Robbing *Thomas Felling* of *St. Pauls* Shad-  
 lock, on the Twentyfourth of September last, of Twenty five Shillings in Money,  
 to which she pleaded Not guilty; but having confessed it before the Justice of  
 Peace; and her Confession testified against her in Court; she was found guilty,  
 and received Sentence, to be Whipped. *James Bush*, and *William Parfery*, had an Indictment preferred against them  
 for Stealing a Tankard, valued at five pounds, from *Thomas Prie*, living in the  
 Parish of *St. Clements Dunes*; the circumstances of which, as they appeared up-  
 on Evidence, were, That the Prisoners coming into the Prosecutors house, to  
 which they had the drinking of five Tankards, and then calling for another; the  
 Maid of the House brought it them, but they alledged, she took away the Tan-  
 kard, and returned it not again; so that a contest arising, the Prosecutors char-  
 ged them with a Canstale, and carried them before a Magistrate, who bound  
 them over; but it appearing by the Prisoners Witnesses, that *Prie* offered to  
 compound with them, and to take half Money, and their Bonds for the residue;  
 and they appearing by the testimonies of their Neighbours, to be honest labor-  
 ing and industrious men, were acquitted by the Jury.  
 The Grand Jury for London presented several noted Recusants, living in the  
 City and Liberties thereof, and received the Commendations of the Court for so  
 doing; declaring, that it had been a great defect in former Juries, who had  
 been altogether slack in returning them, which was the occasion, that within  
 this great City, few or none had been Convicted since the beginning of the  
 Place, to which Mr. Sheriff *Whitman* answered, That their Lordships needed  
 not doubt the diligence of this Jury in finding Bills against Recusants, in order  
 to their being Convicted. *Thomas Prie*, and several others, who had been formerly Indicted  
 as Recusants, and had joynd issue thereupon, being called, and not appearing,  
 went put upon the Jury of Life and Death, in the County of *Middlesex*, who  
 convicted them according to the Statute last made and provided.  
*Mary Mather*, a woman about seventy years of age, was Indicted for having  
 slain her Husband; her Plea was, That she was then and had been absent eight-  
 teen years; and that the latter having spent all she had, Indicted her to take away  
 her life, thereby to make way for another; this that being no prosecution,  
 the Court took pity on her, and directed the Jury to Acquit her.  
*Mary Mather* was tryed for Stealing a Girdle, with a Silver Chain, valued at  
 twenty Shillings; which being proved against her, she was Convicted of the  
 Stealing; but not being above twelve years of age, though an old Offender, ha-  
 ving been in Prison before, for the like Robbery, she received Sentence with  
 labor, to be notwithstanding, was reprieved after Judgment, for Transpor-  
 tation.  
*Mary Mather*, who had been formerly Condemned for Clipping, and *Ab-  
 bella Pickering*, were Tryed for Misdemeanors of London, for putting away false  
 Clippings, of which they were both Convicted.  
 The Grand Jury presented several persons, who had been formerly Condemned  
 for Clipping, and who had been in Prison for the same; they were, *John King*, *John Mear*, *John Pack*, *Rob-  
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